

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
Long-Term Telephone Number)
Portability Tariff Filings)
Southwestern Bell Telephone)
Company Tariff F.C.C. No. 73)
Pacific Bell Tariff F.C.C.)
No. 128)

CC Docket No. 99-35

Transmittal No. 2745

Transmittal No. 2029

OPPOSITION TO DIRECT CASES

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OPPOSITION TO DIRECT CASES

Time Warner Telecom Holdings Inc. d/b/a Time Warner Telecom ("TWTC"), by its attorneys, hereby files this opposition to the Direct Cases¹ filed by Southwestern Bell Telephone Company ("SWBT") and Pacific Bell ("PacBell") in support of the above-referenced long-term telephone number portability ("LNP") transmittals.

INTRODUCTION

TWTC hereby opposes SWBT's and PacBell's Direct Cases because those carriers have provided no reasonable basis for charging for default queries for calls to NXXs with no ported numbers (hereinafter referred to as "non-porting NXXs"). In response to the Commission suspending their transmittals and designating them for investigation, SWBT and PacBell have

¹ See Direct Case of Southwestern Bell Telephone Company in CC Dkt. No. 99-35 (filed April 5, 1999) ("SWBT Direct Case"); Direct Case of Pacific Bell in CC Dkt. No. 99-35 (filed April 5, 1999) ("PacBell Direct Case").

explained that they intend to charge for default queries to any number in an NXX designated as number portable, including to non-ported NXXs. This practice undermines industry standard procedures, is inconsistent with the Commission's LNP policy, is unnecessary and is out-of-step with the practice of carriers such as Ameritech Operating Companies ("Ameritech"), Bell Atlantic Telephone Companies ("Bell Atlantic") and NYNEX Telephone Companies ("NYNEX") that have determined that they need not charge for such premature queries.

DISCUSSION

In their Direct Cases, SWBT and PacBell argue that they should be permitted to charge for default queries on calls to non-ported NXXs because their "translations have already been input as part of the testing and deployment process for all of the Phase I through Phase V MSA switches."² They suggest that the only alternative is infeasible, as it would require undoing the translations and testing work they have already done, and then redoing it at a later date once a number is ported in a particular NXX.³ This argument simply fails to provide a

² See SWBT Direct Case at 17; PacBell Direct Case at 17. It is important to note that SWBT's and PacBell's offer to withhold billing for these unnecessary queries until the first number is ported in an NXX "if ordered to do so" does not address the fundamental point that these carriers must not be permitted to charge for these default queries at all -- not now, not later. See SWBT Direct Case at 19; PacBell Direct Case at 19.

³ See SWBT Direct Case at 17; PacBell Direct Case at 18.

reasonable justification for imposing default query charges on calls to non-ported NXXs.

First, SWBT's and PacBell's decision to bill other carriers for default queries to non-ported NXXs subverts the industry procedure for implementing LNP. The North American Numbering Council ("NANC") and the regional operation teams have adopted a standard set of procedures for implementing LNP in a particular NXX. The procedures contemplate a two-part approach to implementing LNP in a particular NXX.⁴ The first phase is initiated when a carrier holding an NXX notifies the master regional database, or Number Portability Administration Center/Service Management System ("NPAC/SMS"), that number portability will be implemented for the NXX code.⁵ The NPAC/SMS then updates its NXX database and sends a notification of the update to all carriers. In addition, the carrier that holds the NXX updates the Local Exchange Routing Guide ("LERG"), performs Global Title Translations and makes other required changes. However, since carriers' triggers and routing tables need not be updated at this stage, database queries need not be performed for calls to the NXX.

⁴ See Ex Parte Submission by Time Warner Communications Holdings Inc. in CC Dkt. No. 98-14 at Attachment A & B (filed Mar. 18, 1998) (attached as Exhibit 1) (Appendix A: "SW Region Code Opening Process for Number Portability" (6/26/97); (Appendix B: NANC Issue 1.0 "Inter-Service Provider LNP Operations Flows - Code Opening Processes" (4/8/97)).

⁵ See id.

The second phase begins after the first telephone number in the NXX is ported to a new carrier. At that point, the NPAC informs all carriers of this development, and the carriers must then update their triggers and open routing tables. The industry has generally adopted a five day window for carriers to complete this process.⁶ Once complete, carriers make number portability queries for calls made to the NXX in question.

It was always contemplated that carriers could choose to update triggers and open routing tables before a number is ported in an NXX. But by electing to charge for unnecessary default queries, SWBT and PacBell are essentially forcing all N-1 carriers to perform their switch upgrades before the industry standards would require. N-1 carriers are left either to pay the ILECs for over-priced default query charges or to perform the upgrades themselves before the industry procedures would require. SWBT and PacBell were important members of the regional operation teams that adopted these standard procedures. Yet TWTC is unaware of any ILEC discussing the possibility of charging for default queries to non-ported NXXs during the standards setting process. It was only after the fact when SWBT and PacBell apparently realized they could raise their rivals' costs that they decided that they would charge other carriers for all default queries to non-ported numbers.

⁶ See Ex Parte Submission by Time Warner Communications Holdings Inc. in CC Dkt. No. 98-14 at Appendix A (filed Mar. 18, 1998) (attached as Exhibit 1).

In so doing, SWBT and PacBell have undermined the Commission's policy of limiting LNP-related switch upgrades to the extent possible. That policy was exemplified by the Commission's decision to limit incumbent LECs' number portability upgrade obligations to switches for which another carrier has made a specific request for the provision of portability (rather than retain the initial requirement that all switches in an MSA be upgraded).⁷ In adopting this rule, the Commission explained that,

this approach will permit LECs to target their resources where number portability is needed and avoid expenditures in areas within an MSA in which competitors are not currently interested.⁸

For the same reason, N-1 carriers should not be charged for default queries on calls to non-ported NXXs.⁹ SWBT and PacBell may argue that other carriers have requested LNP upgrades to switches for which they had no legitimate or imminent plans to

⁷ See Telephone Number Portability, CC Dkt. No. 95-116, RM-8535, *First Memorandum Opinion and Order on Reconsideration* at ¶ 59 (rel. March 11, 1997).

⁸ Id.

⁹ The Commission's rejection of Query on Release ("QOR") is not inconsistent with its general attempt to target number portability upgrades narrowly. Incumbent LECs argued that QOR would result in more efficient deployment of number portability because it allowed the ILECs to perform queries only on calls to ported numbers, rather than on calls to all numbers in an NXX with at least one ported number. But the FCC rejected ILEC requests to implement QOR because it would result in service degradation to customers with ported numbers. See id. at ¶ 20. No similar rationale justifies the imposition of needless default query charges.

provide service, resulting in the imposition of needless costs. Such a problem, to the extent it exists, is a red herring. It does not alter the Commission's policy that costs associated with LNP-related switch upgrades should be limited to the extent necessary.¹⁰

Furthermore, it is important to recall the broader policy context in which number portability is being implemented. As the Commission recognized, Congress passed the local market-opening provisions of the 1996 Telecommunications Act -- including LNP obligations for all local exchange carriers -- "to open monopoly telecommunications markets to competitive entry and to promote competition in markets that already are open to new competitors."¹¹ It is not true, as SWBT and PacBell imply, that CLECs that have requested that all NXXs in a particular switch be upgraded have somehow caused the incumbent LEC owner of those NXXs to incur the costs of number portability.¹² The number

¹⁰ TWTC has been careful to request upgrades only for those switches serving customers to which it plans to provide service, and knows of no carrier intentionally abusing the notification process. Nevertheless, implementation difficulties should not affect the Commission's underlying policy decision. Rather, any difficulties that arise should be addressed within the framework of this policy of limiting LNP costs to the extent possible.

¹¹ Telephone Number Portability, CC Dkt. No. 95-116, *First Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd. 8352 ¶ 2 (July 2, 1996); see also 47 U.S.C. § 251(b)(2) (directing each local exchange carrier "to provide, to the extent technically feasible, number portability").

¹² SWBT states that "it should be permitted to bill for queries conducted on *behalf* of other carriers. . . ." See SWBT

portability system is necessary to remove the traditional association of NXXs with incumbent LEC switches. Without this reform, CLECs will never be able to compete on anything close to an equal footing for the vast majority of these customers, those with telephone numbers served by incumbent LEC switches. It is this historical legacy of the local monopoly that has "caused" Congress to mandate that LNP be implemented. SWBT and PacBell, beneficiaries of this monopoly legacy, should not be permitted to use the LNP code opening process as a vehicle for raising their rivals' costs.

In any event, SWBT and PacBell could have completed most of their translations and testing ahead of the standard industry timetables without performing default queries on calls to non-ported NXXs. As TWTC explained in past filings in this proceeding,¹³ SWBT and PacBell could have performed query set-up

Direct Case at 17 (emphasis added); see also PacBell Direct Case at 17. Typical of their views since passage of the 1996 Telecommunications Act, SWBT and PacBell assign blame to CLECs for any measure designed to cover the artificial costs of local entry. As discussed *infra*, however, Congress' policy decision to introduce competition into the monopoly local markets is the true LNP cost-causer.

In any event, simple marketplace realities probably explain why CLECs might request LNP changes for NXXs in which they do not have customers. Since CLECs enter the market to compete in a particular geographic area served by many NXXs, it is not possible to select some NXXs and not others in the area for portability. A CLEC cannot predict from which of the NXXs served by a switch its customers will come.

¹³ See, e.g., Ex Parte Submission by Time Warner Communications Holdings Inc. in CC Dkt. No. 98-14 (filed Mar. 18, 1998) (attached as Exhibit 1).

work for end-office, but not tandem, switches before a number is ported in the NXXs in question. Since most of the switches requiring query set-up work are in end offices and not tandems, this approach would have allowed them to perform most of the necessary work at one time and before any numbers are ported in the NXXs in question. The critical point here is that upgrades to end office switches alone would not cause the ILEC to perform default queries. It is only after the tandem switch upgrade is implemented that default queries are performed.¹⁴ It is hard to believe that the query set-up work could not be performed on tandem switches within the five day interval required when the 1st customer in an NXX ports, as contemplated by industry procedures. SWBT and PacBell have offered no basis for concluding otherwise.

Finally, and perhaps most importantly, the unreasonableness of SWBT's and PacBell's position concerning these charges is brought into sharp relief by Ameritech's longstanding commitment to forego charges for such queries until a number is ported in an NXX.¹⁵ In addition, it is important to note that Bell Atlantic

¹⁴ The only exception to this rule is that calls to unused numbers originating on CLEC networks would require default queries before tandem switch upgrades have been performed. But costs associated with these calls are *de minimus*.

¹⁵ See Ameritech Reply Comments in CC Dkt. No. 98-14, at 14 (filed Feb. 27, 1998) ("Ameritech clarifies that it will only bill the Query Service rate on calls to a telephone number within a central office code (NXX) from which at least one number has been ported").

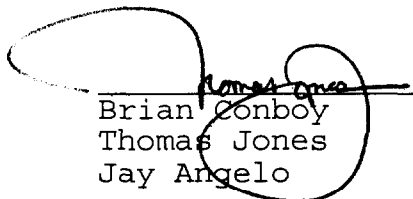
and NYNEX have now elected not to bill carriers to conduct queries to non-ported NXXs.¹⁶ SWBT and PacBell have not offered any reason why they may charge for such queries when these other similarly-situated carriers are not doing so. The Commission must therefore require them to revise their LNP tariffs to clarify that they will not impose default query charges for calls to non-ported NXXs.

¹⁶ See NYNEX Telephone Cos. Tariff F.C.C. No. 1, Transmittal No. 543, Description and Justification, 19 n.11 (filed March 2, 1999); Bell Atlantic Telephone Cos. Tariff F.C.C. No. 1, Transmittal No. 1111, Description and Justification, 19 n. 11 (filed March 2, 1999). We are unable to determine whether Ameritech, Bell Atlantic and NYNEX have done all translations work and testing and opted not to bill carriers for unnecessary default queries, or rather whether they intend to implement LNP on an NXX by NXX basis as necessary, thereby eliminating the necessity of conducting queries for calls to non-ported NXXs.

CONCLUSION

For the foregoing reasons, the Commission should prohibit SWBT and PacBell from imposing default query charges on other carriers for calls to non-portable NXXs.

Respectfully submitted,


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**Ex Parte Submission By Time Warner Communications Holdings
Inc. In Number Portability Query Services, CC Docket No. 98-14;
Investigation of Number Portability Tariff Transmittals
CCB/CPD 97-65, 97-64, 97-46, 97-52.¹**

Time Warner Communications Holdings Inc. ("TWComm") hereby submits this written ex parte filing in the above-referenced long-term number portability ("LNP") tariff investigations. This filing addresses the issue of default query charges and is intended to respond to the rebuttal comments filed by Southwestern Bell Telephone Company and Pacific Bell (collectively "SWBT") and Bell Atlantic in support of their number portability tariffs. In their rebuttals, SWBT and Bell Atlantic present a misleading and incomplete characterization of when carriers are required to complete query set-up work under established industry procedures and when default queries are performed under industry-adopted LNP standards. SWBT goes so far as to incorrectly accuse TWComm of submitting inaccurate and out-of-date revisions of industry procedures for LNP code opening and query set-up. In light of these unusual circumstances, TWComm hereby files this paper to set the record straight.

In its comments in response to the Direct Cases filed in this proceeding, TWComm addressed solely the question of default query charges. TWComm described the two-part process adopted by the industry for upgrading the switch and network translations to make an NXX portable. As explained in the comments, carriers are only required to perform query set-up in the second part of this process, which lasts five days and begins when the first number in an NXX ports to another carrier. Carriers may, however, choose to perform query set-up work before a number has been ported in an NXX (*i.e.*, during the first part of the process, which lasts 45 days). TWComm argued that while incumbent LECs may complete query set-up work and begin querying calls before the second part of the upgrade process begins, they should not be permitted to impose default query charges on N-1 carriers that have chosen not to complete query set-up ahead of the industry-established deadline.

In their rebuttal comments, SWBT and Bell Atlantic argue that the large number of NXXs requested for portability by CLECs and the short time frame (five days) for completing query set-up

¹

These CCB/CPD numbers refer to specific number portability tariff transmittals as follows: Pacific Bell Tariff F.C.C. No. 128, Transmittal No. 1962, CCB/CPD 97-65; Southwestern Bell Tariff F.C.C. No. 73, Transmittal No. 2680, CCB/CPD 97-64; Ameritech Tariff F.C.C. No. 2, Transmittal Nos. 1123, 1130, CCB/CPD 97-46; Bell Atlantic Tariff F.C.C. No. 73, Transmittal No. 2680, CCB/CPD 97-52.

work after a number has been ported in an NXX effectively requires incumbent LECs to complete query set-up work before a number has been ported in an NXX. SWBT indignantly asserts that CLECs, having forced incumbents through their numerous upgrade requests to begin querying calls to NXXs before a call has been ported, cannot now refuse to pay default query charges until a number has been ported. But SWBT and Bell Atlantic offer little more than empty rhetoric in support of their position. For the reasons explained below, the Commission should prohibit carriers from charging for default queries performed on calls to an NXX before a number has been ported in the NXX.

Perhaps the most telling evidence that there is no genuine need to require N-1 carriers to pay for the disputed default query charges is that Ameritech has stated that it will not impose such charges.² Ameritech, SWBT and Bell Atlantic have the same obligation to perform query set-up work within the time frame established by the regional operation teams.³ That Ameritech sees no need to charge for default queries until a number is ported in an NXX indicates that SWBT and Bell Atlantic also need not impose such charges.

As mentioned, there is no prohibition against a carrier completing query set-up work and performing queries on calls to an NXX before a number has been ported in the NXX.⁴ The critical

² See Ameritech Reply at 14 ("Ameritech clarifies that it will only bill the Query Service rate on calls to a telephone number within a central office code (NXX) from which at least one number has been ported").

³ The LNP operation team in the Ameritech region has adopted the same time frames for implementing LNP. See Appendix A. Thus, Ameritech and SWBT are subject to the same time constraints for completing query set-up work.

⁴ See SWBT Rebuttal at 7-8. In its rebuttal, SWBT makes a clumsy attempt to discredit TWComm by asserting that Note 1 of the SW Region Code Opening Process chart attached as an appendix to TWComm's comments somehow contradicts the position taken by TWComm in its comments. But Note 1 merely states that carriers may begin query set-up work before a number in an NXX has been ported. It does not refute TWComm's position in any way because it says nothing about when carriers may charge for default queries. Strangely, SWBT further states in a footnote that TWComm omitted an important note from its filed copy of SW Region Code Opening Process chart that states that carriers may begin query set-up at any time. See *id.* at n. 10. But this appears to be exactly the note that SWBT had mistakenly interpreted as refuting TWComm's position. Indeed, if TWComm's appendix

issue is that carriers should not be permitted to charge N-1 carriers for default queries until a number has been ported in an NXX. Permitting such charges would effectively allow the incumbent to dictate to other carriers the timing of end office switch and network translation changes that the industry has agreed should be a matter of individual carrier discretion (until the first number in an NXX has been ported).⁵ It would also require many carriers to incur substantial LNP costs (i.e., per-query payments to third party SS7 vendors or default query charge payments to incumbent LECs) before such costs must be incurred for the advancement of competition. This result would be inconsistent with the FCC's precedent of requiring LNP upgrades only where the competitive market so demands.⁶ Moreover, prohibiting premature default query charges need not jeopardize the incumbent LECs' LNP cost recovery. Any costs associated with uncompensated default queries can, if absolutely necessary, be recovered in part or in whole through the mechanism established for competitively neutral recovery of other costs directly caused by LNP.⁷

had not included the Note 1, SWBT could not have attempted to frame this (plainly incorrect) argument.

5 In an attempt to obscure the issue, SWBT tries to characterize its proposal that query set-up be completed within the initial 45 day period of LNP industry procedures for making NXXs portable as consistent with industry standards for opening a new NXX. See SWBT Rebuttal at 5-6. But this is simply inaccurate. Industry rules mandate that carriers complete routing translations for a new NXX within a standard 45 day period. But as SWBT itself points out, Note 1 on the SW Region Code Opening Process Chart explicitly gives each carrier the discretion to complete query set-up either during or after the 45 day period established as the first part of the process. It is only SWBT's and Bell Atlantic's insistence on charging for premature default queries that would effectively eliminate that discretion by forcing N-1 carriers to begin performing their own queries or pay the incumbent.

6 See Comments of TWComm at 4-5 (describing FCC policy of targeting LNP investment to areas where competition requires such investment).

7 SWBT is therefore incorrect that performing default queries without charge until a number is ported "would reduce query volume estimates which would drive an increase in per query costs." See SWBT Rebuttal at 12. See also Bell Atlantic Rebuttal at 3.

Furthermore it is important to recall the broader policy context in which number portability is being implemented. It is not true, as SWBT contends, that CLECs that have requested that all NXXs in a particular switch have somehow "caused" the incumbent LEC owner of those NXXs to incur the costs of number portability.⁸ The number portability system is necessary to remove the traditional association of NXXs with incumbent LEC switches. Without this reform, CLECs will never be able to compete on anything close to an equal footing for the vast majority of customers, those with telephone numbers served by incumbent LEC switches. It is this historical legacy of the local monopoly that has "caused" LNP to be implemented. SWBT and Bell Atlantic, beneficiaries of this monopoly legacy, should not be permitted to use the LNP code opening process as a vehicle for raising their rivals' costs (either by charging them for or forcing them to pay third party vendors for unnecessary default queries).

Finally, SWBT dismisses without any basis (and Bell Atlantic simply ignores) TWComm's suggested resolution of the instant dispute. In its comments, TWComm suggested that incumbent LECs perform query set-up work for all NXXs served by end office switches, but not tandem switches, before a number is ported in the NXXs in question. Since most of the switches requiring query set-up work are end offices and not tandems, this approach would allow incumbents to perform most of the necessary work at one time and before any numbers are ported in the NXXs in question. It is hard to believe that the query set-up work could not be performed on tandem switches within the five day interval required when the 1st customer in an NXX ports, as contemplated by the industry procedures.

Moreover, this approach would largely eliminate the need for ILECs to perform, let alone charge for, default queries for calls to an NXX without a ported number. As explained in the attached declaration of Ms. Karen Kay, TWComm's Senior Operations Planner for LNP,¹⁰ LRN requires that a query be performed on all calls

⁸ Since CLECs enter the market to compete in a particular geographic area served by many NXXs, it is not possible to select some NXXs and not others in the area for portability. A CLEC cannot predict from which of the NXXs served by a switch its customers will come.

⁹ For example, Ameritech states that it has to upgrade switch software at 633 end offices but only 47 tandem offices. See Ameritech Reply at 11. Other incumbent LECs likely have a similar proportion of end office to tandem switches.

¹⁰ See Appendix B.

that traverse the tandem where query set-up has been completed at the tandem switch for the called NXX. However, where the query set-up work for the called NXX has not been completed at the tandem but has been completed at the end office, calls traversing the tandem to the NXX in question will only generate a query when the called number is non-working or ported. Similarly, where traffic is routed directly to end offices, a call to an NXX for which the end office query set-up work has been completed will generate a query only when the called number is non-working or ported.¹¹ In other words, if an incumbent LEC performs query set-up work on end office, but not tandem, switches before any number is ported, the only time in which the incumbent would perform a default query on a call to an NXX in which no number has been ported is where a non-working number has been called. Calls to non-working numbers represent a tiny percentage of calls and would therefore cause a very small number of queries.

In light of this explanation, SWBT's purported reasons for refusing to consider TWComm's suggested solution become flimsy indeed. SWBT states that "many carriers do not interconnect at the tandem for all of their traffic."¹² As explained, however, calls delivered directly to an end office will only result in a default query for an NXX without a ported number where a non-working number has been called. It is calls that traverse the tandem that create the problem at issue. Apparently aware of this fact, SWBT lamely falls back on the claim that calls traversing the tandem to non-working numbers still require queries.¹³ But SWBT does not mention that such calls would impose only de minimis query obligations on the incumbent; a small price to pay for the supposedly huge benefits of performing query set-up on all end offices before any numbers are ported.

Of course, the truth is that SWBT dismisses and Bell Atlantic ignores TWComm's solution because neither has any interest in resolving the instant dispute or in seeing LNP succeed. Indeed, it should come as no surprise that SWBT, the

¹¹ See Kay Aff. at ¶ 5; Ameritech Reply at 11 ("The LRN software requires an LNP query on all calls to portable NXXs that are routed through the tandem. However, for calls routed direct [sic] to an end office, queries need only be launched on calls to numbers (within portable NXXs) that are either non-working or ported. Hence, for the same volume of traffic, the query volume at the end office is substantially less, than will be experienced at the tandem level") (emphasis in original).

¹² See SWBT Rebuttal at 14.

¹³ See id.

only BOC to request an LNP waiver unrelated to the Perot Systems' inability to establish a reliable NPAC, has emerged as by far the most vocal proponent of unnecessary default query charges. SWBT is obviously determined to undermine LNP at every turn. The Commission should make it clear that this form of resistance will not be tolerated and prohibit SWBT, Bell Atlantic and other incumbent LECs from imposing default query charges on calls to an NXX until one number has been ported in that NXX.

Appendix A

Code Opening Process Figure 9

Step	Description
1. Owners/Holders of specific NPA/NXX are notified by Service Providers that which NPA/NXXs are targeted to be opened for porting.	<ul style="list-style-type: none">• Individual Service Providers identify the NPA-NXXs that they expect to port customers from.• Service Providers send a request to the holders/owners of specific NPA/NXXs that have been targeted for portability. The request must be received by the holders/owners NPA/NXXs by the 15th of the month for portability information to be included in the next LERG update.• The request recipient must respond within 5 business days upon receipt of the request. The request will contain the targeted NPA/NXXs and expected portability due date. The response shall confirm whether or not the request can be processed. If the request can not be processed, the reasons for this must be noted in the response. It's expected that all requests for NPA/NXXs in LRN capable offices will be processed. Both the request and response may be sent via postal mail, FAX, Registered Mail, E-mail, etc.• The required Global Title Translation (GTT) changes are expected to be complete within the 45 calendar days following the LERG publication. The LERG is published by the 5th business day of each month.• <i>Requests to open NPA/NXXs reflect market forecasts of Service Providers. As such, requests for code openings shall be treated as proprietary marketing information.</i>

Code Opening Process Figure 9

Step	Description
2. Owners/Holders of NPA/NXX update or arrange for update of LERG.	<ul style="list-style-type: none">• It is assumed that the LERG will contain the universe of NPA/NXXs and only the holder/owner of an NPA/NXX or their authorized representative could update the LERG for the NPA/NXXs they hold/own.• The holder/owner of an NPA/NXX or their authorized representative must input the necessary information into the LERG database for the requested NPA/NXXs by the last day of the month in which the request was received.
3. LERG is Issued. This will initiate a 45 calendar day interval within which GTTs in SS7 networks will be updated.	<ul style="list-style-type: none">• The LERG will be received by the 5th business day of the month. That LERG publication will contain the information entered prior to the last day of the previous month. When published, all changes in the LERG will be noted by annotation marking in the margins.• The issuance of the LERG will initiate the 45 calendar day interval within which GTTs will be updated for LNP and for those services that are supported by the networks and are implemented via tariffs and interconnection agreements.• SS7 Global Title Translation (GTT) changes are required to facilitate 10-digit translations. These changes, for example, direct a service provider's LNP queries (Translation Type 11) to a 10-digit translator, inter-network LIDB queries, and potentially, changes to support inter-network CLASS and Interswitch Voice-Mail Service (ISVM). The changes for CLASS affect services such as Automatic Callback and Recall, Selective Call Rejection, Calling Name Delivery, as an example. Intercompany business agreements determine whether CLASS and ISVM messaging is supported, and whether GTT changes would be made.

Inter-Service Provider LNP Operations Flows

Code Opening Process Figure 9

Step	Description
4. Owners/Holder of targeted NPA/NXXs notifies NPAC of NPA/NXXs to be opened for porting within 45 calendar days of issuance of LERG.	<ul style="list-style-type: none">• Each service provider notifies the NPAC that specific NPA/NXX codes will be opened for portability.• The information to NPAC will be provided by either the SOA or LSMS interface uploads or by manual means.• The information must be provided to NPAC within 45 calendar days from the issuance of the LERG.
5. NPAC sends initial notification to all NPAC LSMS download recipients.	<ul style="list-style-type: none">• The NPAC updates its internal service provider and network information.• The NPAC sends information via the LSMS interface to all NPAC LSMS download recipients indicating that specific NPA/NXXs are scheduled to be opened for porting. This is provided as advance notice.
6. GTT updates are complete for specified NPA/NXXs to be opened for porting.	<ul style="list-style-type: none">• Service Providers and Inter-exchange carriers have completed their GTT entries in their networks for all appropriate services.
7. Using established provisioning methodology, when NPAC receives an initial subscription request for porting the first TN in an NPA/NXX, NPAC will initiate a Broadcast to all NPAC LSMS and SOA download recipients to provide Routing and Trigger updates in their switches and tandems.	<ul style="list-style-type: none">• When the NPAC receives an initial subscription request for porting the first TN in an NPA/NXX, NPAC will initiate a broadcast "heads-up" message to all LSMSs and SOAs.• This heads-up is a final notification to all SPs that an NXX is going portable.• Upon receipt of this message, Service Providers are to open routing tables and set triggers in donor switch, LNP capable tandems and LNP capable offices in all networks within 5 business days of notification by NPAC.• The due date for subsequent ported TNs in the NPA-NXX shall not be earlier than the due date for the initial ported number.
8. Using established provisioning methodology, proceed with porting.	<ul style="list-style-type: none">• Service providers follow normal porting processes.

Appendix B

DECLARATION OF KAREN KAY

ON BEHALF OF TIME WARNER COMMUNICATIONS HOLDINGS INC.

1. I, Karen Kay, do hereby declare as follows:
 2. My name is Karen Kay. My business address is 5680 Greenwood Plaza Boulevard, Englewood, Colorado 80111. Since June 1994, I have been employed at Time Warner Communications Holdings Inc. ("TWComm") as Senior Operations Planner. In that capacity, I have worked to develop interim number portability and long-term number portability ("LNP") methods, both in-house for TWComm, and also in conjunction with other carriers at the Industry level on the Technical and Operations teams and task forces. Throughout this period I have also been responsible for translations, automatic message accounting, signaling system 7 connectivity, local exchange routing guide administration, trunking, and new product developement. I have served in my current position, focusing solely on LNP issues, since 1997.
 3. The purpose of this declaration is to explain the process by which default queries are made under LNP. The description provided below is based on the Industry Generic Switching and Signaling Requirements for Number Portability, Issue 1.05, dated August 1, 1997.
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4. LNP Default Queries. In the LNP context, there are several contexts in which a query will be performed. First, once LNP has been implemented for a particular Central Office Code ("NXX"), there are several ways in which calls are terminated to numbers in that NXX. Calls may be transported over facilities that interconnect at the terminating local exchange carrier's tandem switch. If the query set-up has been performed for a particular NXX at the tandem switch, the tandem will automatically query for every call to that NXX, regardless of whether the called number has been ported. If the tandem has not been set-up to query for calls to the NXX, the number will be transported to the appropriate end-office and terminated to the appropriate telephone number. The terminating end-office will not perform a query unless the called number is a ported or non-working number.
5. Calls may also be transported over facilities that interconnect at the terminating local exchange carrier's end office switch. In this case, even though the query set-up work has been completed at the end office switch for the called NXX, the switch will initiate a query only if the called number is ported or non-working. In other words,

unlike calls that traverse the tandem at which the query set-up has been completed for the called NXX, calls delivered directly to an end office will not be queried if the called number is still being served by that end office switch.

3-17-1998
Date

Karen Kay
Karen Kay
Senior LNP Operations Planner

Time Warner Communications
Holdings Inc.

CERTIFICATE OF SERVICE

I, Catherine M. DeAngelis, do hereby certify that on this 18th day of March, 1998, copies of the foregoing "Ex Parte Submission" by Time Warner Communications Holdings Inc. were mailed, first class postage prepaid, unless otherwise indicated, to the following parties:

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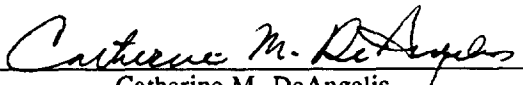
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I, Catherine M. DeAngelis, do hereby certify that on this 19th day of April, 1999, copies of Time Warner Telecom Holdings Inc.'s Opposition to Direct Cases were served by first class mail, postage prepaid, or hand delivered as indicated, on the following parties:

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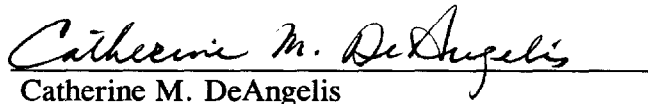
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Catherine M. DeAngelis

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